

AN ORDINANCE

BY: COUNCILMEMBER IVORY LEE YOUNG, JR.

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES SECTION 138-5 ALLEYS, SO AS TO DEFINE THE OWNERSHIP OF THE ALLEYS AND MAINTENANCE THEREOF OF THE ALLEYS IN THE CITY OF ATLANTA. TO IMMEDIATELY BEGIN THE DEFINED STATUTORY PROCEDURE FOR ABANDONING THE CITY OF ATLANTA'S INTEREST IN THE ALLEYS; TO REQUEST FULTON COUNTY TO AMEND THE COUNTY'S TAX MAPS AND TO PROPERLY ADJUST ALL PROPERTY WITHIN FULTON COUNTY TO PROPERLY ACCESS PROPERTY VALUE AND TAXES AND THAT MILLAGE RATE REDUCTION WOULD OCCUR EQUAL TO THE TAX INCREASE; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta wishes to amend the City of Atlanta Code of Ordinances to abandon its interest in alleys within the city limits of Atlanta in compliance with laws of the state of Georgia; and

**WHEREAS,** Georgia law prescribes a particular proceeding for abandonment; and

**WHEREAS,** the city already acknowledges that it is not responsible for maintenance of alleys but should clearly state where the responsibility of said maintenance lies and define the rights, use, and ownership of all alleys; and

**WHEREAS,** all property or property interest belonging to the city are and remain to be exempt from taxation and the city acknowledges that the consequences of the formal abandonment and conveyance of real property alleys in the city limits of Atlanta to adjacent property owners will not only result in increasing the size of individual parcels resulting in increased square footage to each parcel which will result in increased value and tax revenue to the City of Atlanta, Fulton County, and the Atlanta Board of Education.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:**

**SECTION 1:** That additional sections e, f, g,h be added to Section 138-5.

**SECTION 2:** That the City of Atlanta hereby abandons its interest in all alleys excluding those listed in the Code of Ordinance Section 138-5,

Section (a) 1, 2, and 3 in compliance with State Law O.C.G.A. 32-7-1 through 32-7-5.

**SECTION 3:** That in accordance with aforementioned State Law (O.C.G.A. 32-7-1 through 32-7-5). The law prescribes a particular procedure for abandonment that includes public notices and first offer of the property back to the original owner or that owner's successor in title and thus all other state regulations related to the abandonment to be adhered to.

**SECTION 4:** That additional section "e, f, and g" be added as follows:

- (e) The maintenance of alleys is henceforth the responsibility of the legally established owner of the alley. For that portion of property which abuts the centerline alley once abandonment is completed and an owner is established in accordance with state law governing the process for abandonment.
- (f) The City of Atlanta remains exempt from taxation for all additional property conveyed to the City of Atlanta at the time abandonment is complete.
- (g) All property owned by private property owners whose property is increased as a result of the abandonment will be reassessed by the Fulton County Tax Assessor and properly amends the value and assessment for the next fiscal year.

**SECTION 5:** That prior to the fiscal year's end the City of Atlanta requests that Fulton County Tax Assessor properly assess the actual value of additional revenue to the City of Atlanta, Fulton County, and the Atlanta Board of Education so that revenue generated and millage rate adjustments will be reflected in the budget for the year 2007 and in individual tax liabilities.

**SECTION 6:** That development inside the boundaries of what is known past or presently as alleys requires support of at least fifty percent of the existing property owners along the alley to authorize any new development which will become policy upon approval of the amended changes to Section 138-5 of the City Code of Ordinances.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith and the same are hereby repealed.